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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	
Kenji YOSHIOKA	**EXPEDITED PROCEDURE**
Serial No. 09/534,441	Art Unit: 2682
Filed: March 24, 2000	Examiner: Sharma, Sujatha R.
For: An Emergency Informing Apparatus And An Emergency Informing System	Atty Docket: 0102/0108

RESPONSE TO FINAL REJECTION OFFICE ACTION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The following is a response to the Office Action dated January 27, 2003.

In the Office Action, the examiner has rejected claims 1-17 and 19-26 under 35 U.S.C. 102(e) as being anticipated by Tendler PCT publication WO 98/706229. The examiner has moreover rejected claim 18 under 35 U.S.C. 103(a) as being unpatentable over Tendler in view of Tognazzini U.S. patent 5,914,675.

It is respectfully submitted that the examiner's rejection based on Tendler '229 is without merit in view of the following.

In each of the independent claims pending, namely claims 1, 9,17, 23 and 24, there is recited the limitation that ordinary telephone communication may be conducted with a desired party, and that this ordinary telephone communication may

disconnect its position detecting means and/or its data generating means. (Claims 1, 9, 17 and 23) Claim 24 specifically recites that the communication unit of the emergency informing apparatus allows a user to communicate telephonically with a desired party when there is no emergency, and that the control unit would disconnect the link to the desired party if an emergency is detected, and to connect the apparatus to an emergency called party for informing the emergency called party of the emergency.

In contrast, there is no disclosure in Tendler that his cellular phone could be used for voice communication with a third party, either called or calling, during non-emergency times or that the ordinary telephone communication may be carried on without the position detecting means and/or the data generating means having to be disconnected. While the Tendler cellular phone is on hook, it is impossible to use it to make an ordinary call to a third party. In particular, Tendler discloses a cellular phone based system that goes off hook only when an emergency is detected, or when one of the six occurrences identified by 40-52 in Tendler's sole figure occurs. In other words, the Tendler cellular phone does not go off hook in cases where no emergency is detected or when none of the six occurrences identified by 40-52 occurs.

This "off hook" scenario is specifically disclosed by Tendler on page 4, the last 4 lines and page 14, first 5 lines of the second full paragraph. There is no indication that a user can use the cellular phone 10 to make an ordinary call during non-emergency times. Indeed, as specifically shown in the sole figure, and disclosed on page 12, second full paragraph, cellular phone 10 is coupled to a EVLS (Emergency Vehicle Location System) and dialer module, and specifically to the EVLS board, so that an emergency message, in a synthesized voice, is provided by line 30 to phone 10, for informing an emergency situation to a particular number that has to be

retrieved from the nearest cell site within the range of the cellular phone. In other words, it does not appear that the Tendler system has the storing means, as recited in the claims (memory 15 in Fig. 1) that is part of the emergency informing apparatus of the instant invention. For the Tendler system, upon receiving a signal from the dialer and activation detector circuit 24, the phone is caused to go off hook and the telephone number that was reset into the dialer is dialed. See also the second and third paragraphs on page 15 which further disclose that the EVLS board 22 may be activated by detector board 24 so that the cell phone may be taken off hook to dial the appropriate number for sending the emergency synthesized voice message.

The fact that the Tendler cellular phone is ordinarily turned off could further be referenced with respect to page 16, lines 1-10 which discloses that even though it is possible to provide the cellular phones hardwired to the battery and left on, this is not the usual case. Also in the first full paragraph on page 17 it is disclosed that the cellular phone is activated should it not already be on by any one of the different activation devices designated by 40-52. Thus, it is apparent that the cellular phone used in the Tendler system is meant to be used as a part of the emergency system, and not meant to be used by the user in non-emergency times for carrying on an ordinary conversation with a third party.

There is therefore no disclosure in Tendler that his cellular phone could be used for voice communication with a third party, either called or calling, during non-emergency times or that the ordinary telephone communication may be carried on without with the position detecting means and/or the data generating means having to be disconnected. Rather, the cellular phone 10 of the Tendler system ordinarily is not connected and only comes off hook when it is activated.

On the other hand, in each of the claims 1, 9, 17, 23 and 24, while an emergency condition is not detected, i.e., a command signal is inexistent, the control means (control unit) allows a user to make a telephone call (ordinary communication) with a third party. That is, the control means (control unit) has the specific function of determining whether or not a command signal (an emergency condition) is existent or not. Therefore, when the control means (control unit) determines that an emergency condition is detected, i.e., the command signal is existent, the control means (control unit) controls the transmission of the emergency data to the called party indicated by the called party data.

Such specific feature of each of the claims 1, 9, 17, 23 and 24 is not disclosed, or suggested at all in Tendler because Tendler does not use his cellular phone for ordinary communication with a third party.

In detail, in each of the claims 1, 9, 17, 23 and 24, when a motor accident or a sudden illness occurs while the user is making an ordinary call, the control means (control unit) would end the ordinary call and transmit the emergency data to the called emergency party, thereby making it possible to automatically perform the emergency transmission operation without any need for the user to end the ordinary call, or for the user to go off hook. Each of the claims 1, 9, 17, 23 and 24 therefore has the specific feature of securely transmitting the emergency condition even in cases where the user is suddenly injured in a traffic accident and is accordingly not being able to operate the telephone.

In addition, because the control means (control unit) is continuously determining whether or not a command signal (an emergency condition) exists while the user is making a telephone call with a third party, when an emergency condition such as for example an unexpected illness of the user occurs, the shift to the

emergency mode of calling the emergency number under all circumstances is effected smoothly and quickly.

The above discussion applies equally to claim 18 in that Tognazzini requires that the GPS system be disconnected, when a conventional call takes place. Thus, for both Tendler and Tognazzini, prior to the detection of the emergency situation or an external activation signal, the cellular phone is either on hook, per Tendler, so as not to be connected to the GPS, or deliberately cut-off from the GPS, per Tognazzini.

In view of the foregoing, the examiner is respectfully requested to reconsider the instant application and pass the same to issue.

Respectfully submitted,

Louis Woo, RN 31,730
Law Offices of Louis Woo
717 North Fayette Street
Alexandria, VA 22314
(703) 299-4090

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